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In re Application of: TAYLOR et al.	:	
Application No.: 10/551,351	:	
PCT Application No.: PCT/US03/40840	:	DECISION ON
Int. Filing Date: 22 December 2003	:	PETITION UNDER
Priority Date Claimed: 20 December 2002	:	37 CFR 1.137(b)
Attorney Docket No.: KIPP:103US	:	
For: AUTOMATED SALES CENTER	:	

This is a decision on the "Petition for Revival of an International Application for Patent Unintentionally Abandoned under 37 CFR 1.137(b) (Small Entity)," filed on 28 September 2005.

### **BACKGROUND**

On 22 December 2003, applicant filed international application PCT/US03/40840. The international application claims a priority date of 20 December 2002 and designates the United States. Accordingly, the thirty-month period for commencement of the national stage in the United States and paying the basic national fee expired at midnight on 20 June 2005.

On 28 September 2005, applicant filed the instant petition for revival accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), a copy of the international application as required by 35 U.S.C. 371(c)(2), an executed declaration, and a check in the amount of \$1000.

### **DISCUSSION**

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the application became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995).

Applicant's statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). The submission of the national fee (\$150 for a small entity) and the copy of the international application satisfies 37 CFR 1.137(b)(1). The payment of the petition fee (\$750 for a small entity) satisfies the requirement under 37 CFR 1.137(b)(2). A terminal disclaimer is not required because the application was filed on or after 08 June 1995. Therefore, the requirements for a grantable petition under 37 CFR 1.137(b) have been satisfied.

The search fee (\$50 for a small entity) and examination fee (\$100 for a small entity), taken from the submitted check of \$1000, leaves a balance due of \$50. Accordingly, applicant's Deposit Account No. 50-0822 will be charged the \$50 balance due, as well as the \$65 surcharge for filing the declaration later than thirty months from the priority date.

### CONCLUSION

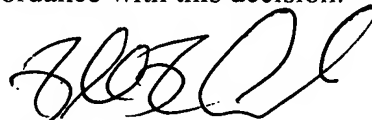
The petition to revive the application abandoned under 37 CFR 1.137(b) is **GRANTED** as to the National Stage in the United States of America.

The application has an International Filing Date under 35 U.S.C. 363 of 22 December 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) of 28 September 2005.

The application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing in accordance with this decision.



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